



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: August 8, 2022

TO: President Heather Graham and Members of City Council
CC: Mayor Nicholas A. Gradisar
VIA: Marisa Stoller, City Clerk
FROM: Chris Noeller, Chief of Police
SUBJECT: AN ORDINANCE AMENDING TITLE XI OF THE PUEBLO MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 13 RELATING TO THE CREATION OF A COMMUNITY SERVICE OFFICER POSITON, AND ESTABLISHING AUTHORITY AND ENFORCEMENT POWERS IN ACCORDANCE THEREWITH

SUMMARY:

Attached for consideration is an amendment to the Pueblo Municipal Code adding a new Chapter 13 to Title XI relating to the creation of a Community Service Officer position within the Pueblo Police Department, and establishing the authority and enforcement powers of the position so that it may assist the Department with law enforcement and administrative tasks.

PREVIOUS COUNCIL ACTION:

There has been no previous City Council action with regards to this Ordinance.

BACKGROUND:

Other law enforcement agencies across the state have experienced considerable success through the civilianization of law enforcement duties traditionally performed by sworn officers by implementing Community Service Officer programs. Community Service Officers ("CSO's") are specially trained civilians able to assist with tasks, such as non-injury traffic accidents; abandoned vehicles and other traffic hazards; parking violations; found property; investigation and police report drafting for "cold" calls with no suspect information, such as low-level burglaries and thefts, criminal mischief, frauds and forgeries, nuisances and littering; supplements to reports and collection of evidence; and issuance of summonses and complaints to Municipal Court. By allowing CSO's to cover those responsibilities, the Department's sworn personnel assigned to the patrol division can allocate their time to higher priority calls for service, allowing the Department to operate more efficiently and better serve the needs of the public.

To prepare the CSO's for their role, they will attend an abbreviated version of the Department's training academy and field officer training program. Once released from the training program to full duty, the CSO's will work during the busiest time of the day (0800 to 2200) when the Department receives approximately 82% of its calls for service.

This program may also serve as a valuable recruitment tool and feeder program for the patrol division.

Portions of the animal control code have not been updated in several years, where some sections are the same as originally enacted in 1957. The amendments here are intended to update the code to address the needs and desires of the community while also preventing potential nuisances. The code will be further expanded to include most, if not all, animals and will include regulations thereto. New regulations will include: (i) the creation of a “potentially dangerous animal” charge, which is a lesser offense than “vicious animal” and provides additional avenues to address dangerous animals; (ii) a new class of license for “multiple animals” that is not specific to cats and dogs, and limits on the number of animals without such a license; (iii) clearer authority for the powers and roles of animal control officers; (iv) greater protections against the spread of rabies; (v) slightly increased fees to address the increased cost of impoundment and care; and (vi) additional crimes constituting “cruelty to animals.”

FINANCIAL IMPLICATIONS:

The program will begin with 4 full-time employees. Four additional full-time positions will be requested in 2023. Implementing the program and hiring new employees will result in hiring costs for background checks, psychological and polygraph testing; salary and benefit costs; equipment; and other incidental needs.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

If City Council does not approve this Ordinance, the Pueblo Municipal Code will not be amended to reflect the proposed changes and the Pueblo Police Department will not be able to implement its new Community Service Officer program.

RECOMMENDATION:

The Pueblo Police Department recommends approval of this Ordinance.

Attachments:

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XI OF THE PUEBLO MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 13 RELATING TO THE CREATION OF A COMMUNITY SERVICE OFFICER POSITION, AND ESTABLISHING AUTHORITY AND ENFORCEMENT POWERS IN ACCORDANCE THEREWITH

WHEREAS, City Council is committed to protecting the health, safety, and welfare of the public; and

WHEREAS, The Pueblo Police Department desires to create and staff a Community Service Officer program to assist the Department with law enforcement and administrative tasks; and

WHEREAS, The Pueblo Police Department will hire individuals and appoint them to the position of Community Service Officer, providing them with special training and authority so that as civilians they may assist with traditionally sworn duties; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Title XI of the Pueblo Municipal Code is hereby amended to add a new Chapter 13 to read as follows:

CHAPTER 13 – Community Service Officers

Sec. 11-13-1. - Community Service Officers.

The Chief of Police is authorized to designate and appoint Community Service Officers. Community Service Officers employed by the City and assigned to the Pueblo Police Department are appointed law enforcement officers of the City with the authority to issue a summons and complaint for a violation of the Pueblo Municipal Code or other City ordinances, as herein authorized. Community Service Officers shall act under the direction and supervision of the Chief of Police and shall be specifically trained with respect to the types of activities prohibited by and that constitute a violation of the Pueblo Municipal Code or City ordinance. Community Service Officers shall not be certified peace officers as defined in Article 2.5 of Title 16, C.R.S.

Sec. 11-13-2. - Authority and Enforcement of Laws.

- (a) **The Chief of Police shall issue a letter of appointment to Community Service Officers. Community Service Officers shall possess only those powers, privileges and duties as specified in the letter of appointment. Such powers, privileges and duties may include, but are not limited to:**
- (1) **A Community Service Officer that has reasonable grounds to believe any provision of this Chapter 1 of Title XI or Chapters 1 or 2 of Title XV, as amended, is currently being or has been violated, may be authorized to issue and serve a summons and complaint to the person responsible, irrespective of having first issued a notice and order or order to cease and desist.**
 - (2) **A Community Service Officer that finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within the City in such a manner as to constitute a violation of the Pueblo Traffic Code or other City ordinance, or in a municipal parking lot in violation of Sec. 15-2-14, may be authorized to cause the vehicle to be moved, seized, immobilized, impounded or towed to eliminate any such obstruction, in accordance with Title XV, Chapter 1 or 2 of the Pueblo Municipal Code, as amended.**
 - (3) **A Community Service Officer may be authorized direct all traffic by voice, hand or signal in conformance with state traffic laws and the traffic ordinances of the City, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, such officers may be authorized to direct traffic at the site of the emergency or in the immediate vicinity thereof as conditions may require notwithstanding the provisions of the state traffic laws and the traffic ordinances of the City.**
- (b) **The authority and jurisdiction of Community Service Officers under this section may extend to all areas within the City limits, and to all lands owned, leased or managed by the City, including but not limited to the Pueblo Mountain Park, Pueblo Motorsports Park and Raceway, Pueblo Honor Farm Park and Open Space Motocross Track, and Pueblo Municipal Airport.**

SECTION 2.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance to implement the policies and procedures described herein.

SECTION 3.

This Ordinance shall become effective thirty (30) days following final passage and approval.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

City Clerk